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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,683	11/30/2001	Kazuyuki Tadatomo	213578	8963

23460 7590 05/21/2003

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EXAMINER

ERDEM, FAZLI

ART UNIT	PAPER NUMBER
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2826

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936,683

Applicant(s)

TADATOMO ET AL.

Examiner

Fazli Erdem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-21 is/are pending in the application.
- 4a) Of the above claim(s) 11-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3, 5-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Vichr et al. (5,614,019) in view of Kawasumi et al. (JP 10178026 A) further in view of Shigeta et al. (5,729,701) further in view of Usui et al. (6,252,261) further in view of Shibata et al. (JP 10-107317) further in view of JP 9-312418.

Regarding Claims, 1, 3, 5-10, Vichr et al. show a method for the growth of industrial crystals where a method of producing large single crystals is disclosed. Furthermore Vichr et al. show the substrate and concavo-convex structure. Vichr et al. do not show the selective growth of crystals on the concave part of the substrate, nor the specific directional growth configuration. However, Kawasumi et al. disclose a crystal growth method and method for manufacturing semiconductor luminescent element utilizing the same where the selective growth of crystals on the concave part of the substrate is disclosed. Furthermore, Shigeta et al. disclose a method for the growth of silicon carbide single crystals where the directional structure is disclosed and Usui et al. disclose a GaN crystal film, a group III element nitride semiconductor wafer and a manufacturing process therefore where the crystal specific crystal configuration is shown. Vichr, Kawasumi and Shigeta combination do not disclose the required compound semiconductor crystal and the exact formula for the required compound semiconductor crystal. However, JP 10-107317 disclose a semiconductor device with the required compound semiconductor structure

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and JP 9-312418 disclose a semiconductor device with the required compound semiconductor formula.

It would have been obvious to one of having ordinary skill in the art at the time the invention was made to include the selective growth, directional, and configurational structure of crystal growth in Vichr et al. as taught by Kawasumi et al., Shigeta et al., and Usui et al., respectively and the exact compound semiconductor crystal and the formula structure as taught by JP 10-107317 and JP 9-312418 respectively in order to provide a semiconductor crystal growth structure with high controllability.

2. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Vichr et al. (5,614,019) in view of Kawasumi et al. (JP 10178026 A) further in view of Shigeta et al. (5,729,701) further in view of Usui et al. (6,252,261) further in view of Vaudo et al. (6,156,581).

Regarding Claim 4, Kawasumi et al., Shigeta et al., and Usui et al., combination disclose all the claimed subject matter except they fail to show the InGaAlN structure. However, Vaudo et al. disclose a GaN-based devices using (Ga, Al, In)N base layers.

It would have been obvious to one of having ordinary skill in the art at the time the invention was made to include the InGaAlN structure in Kawasumi et al., Shigeta et al., and Usui et al., combination as taught by Vaudo et al. in order to have a semiconductor crystal structure with better device quality.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fazli Erdem whose telephone number is (703) 305-3868. The examiner can normally be reached on M - F 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (703) 308-6601. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

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May 18, 2003